

RECEIVED
FEDERAL ELECTION
COMMISSION
FREDERICK JOHN LAVERGNE

312 WALNUT STREET
DELANCO, NEW JERSEY 08075
TELEPHONE: 1
SEP 13 AM 9:30

OFFICE OF GENERAL
COUNSEL

September 11, 2017

**Federal Election Commission
999 E Street North West
Washington, D.C. 20463
Attn: Mark Shonkwiler, Assistant General Counsel
& Kimberly Hart, Esq., Staff Attorney**

**RE: Frederick John LaVergne for Congress 2016
New Jersey Congressional District 3
MUR 7104 (First General Counsel's Report)**

Dear Mr. Shonkwiler & Ms. Hart:

Enclosed please find the response of my Campaign to the six page
"First General Counsel's Report" dated June 6, 2017.
Thank you very much.

Respectfully submitted,


FREDERICK JOHN LAVERGNE

**FJL:ms
enclosure**

1 **RE: Frederick John LaVergne for Congress 2016**
2 **New Jersey Congressional District 3**
3 **MUR 7104 (First General Counsel's Report**
4 **dated June 6, 2017)**

5
6 **PRELIMINARY RESPONSE TO FIRST GENERAL COUNSEL'S**
7 **REPORT DATED JUNE 6, 2017**
8

9 **FREDERICK JOHN LAVERGNE says as follows:**

10
11 I am a lifelong Democrat. However, prior to 2016, I ran twice (2012
12 & 2014) for Congress in New Jersey's Third Congressional District as an
13 independent candidate for the minor political party "The New Jersey
14 Democratic-Republican Party". Each time, by plan and design, my
15 campaigns spend nominal sums and stayed well below the \$5,000 reporting
16 threshold.

17 After encouragement of supporters I decided to seek the Democratic
18 Nomination to run again in the Third Congressional District in 2016. In
19 2016 I was one of what were eventually the five Democrats (along with
20 Michael B. Cook, Joanne Schwartz, John Vrana and James Keady) seeking
21 the Democratic Party's nomination at the June 2016 New Jersey Political
22 Party Primary Election for the right to run as the Democratic Party's
23 candidate for Congress in the Third Congressional District at the November
24 2016 General Election.

25 I won the June 2017 Democratic Political Party Primary Election and
26 was the Party's Candidate on the November 2016 General Election Ballot.

27 My Republican opponent ultimately won the General Election.

28 For reasons that will be explained further, my Campaign, by design
29 and intention, raised and spent less than \$5,000.

30 New Jersey's Third Congressional District includes towns in
31 Burlington and Ocean Counties, and runs across the State from the Delaware
32 River in the West to the Atlantic Ocean in the East. In mid February 2016,
33 there were several persons considering running for the Democratic Party's
34 nomination to run as the Candidate for Congress in the Third Congressional
35 District at the November 2016 General Election. The local Democratic
36 Parties in Ocean County and Burlington County were divided over
37 supporting Hillary Clinton or Bernie Sanders for President. I did not take a
38 position and rather agreed to support the Democratic Party's ultimate
39 nominee. The Ocean County Democratic Party is controlled by

40 Republicans, and Democratic Party Boss George Norcross has influence (or
41 at least TRIES to exert influence) in Burlington County. It is a politically
42 complicated District.

43 Unlike my prior 2 "protest" campaigns as an independent, it was
44 originally my intention now running as a Democrat to raise a lot of money
45 and run a serious campaign and to try to win. On paper New Jersey's Third
46 Congressional District is the only "swing district" in New Jersey. Therefore,
47 with financial commitments and help and resources from the Democratic
48 Congressional Campaign Committee ("DCCC"), Democratic National
49 Committee ("DNC"), and New Jersey State Democratic Committee
50 ("NJDSOC"), if adequate funds were raised I and others believed that I had a
51 fairly good chance of actually winning.

52 In mid February of 2016 I and approximately 9 key supporters of
53 mine from Burlington County met with Mr. Justin Myers, the New Jersey
54 designated point man for the DCCC. At that time the only other legitimate
55 candidate in the primary race was Michael Cook who had no experience, no
56 support base and no general appeal as a candidate. After a 2 hour meeting
57 Mr. Myers openly committed to support me and said he would try to "get
58 Cook out of the race". A team was preliminarily organized including
59 preliminary plans for fundraising and all other things that come along with a
60 DCCC and DNC sponsored and endorsed race. As a matter of course the
61 NJDSOC typically goes along with the DCCC and DNC.

62 The goal was to get the "Democratic party line" in each of Ocean and
63 Burlington Counties on the June Primary Ballot which is awarded by a vote
64 of the members of the respective Democratic County Committees in early
65 March. At the Burlington County vote a John Vrana appeared and openly
66 stated (bragged) in his speech to the Committee that "... *George Norcross*
67 *sent me and he wants you to vote for me.*" I easily won the "line" in
68 Burlington County by an overwhelming vote of the Committee.

69 Between the Burlington County Mini Convention and the Ocean
70 County Mini Convention at least 4 organizational conference calls were held
71 (with at least 7 persons participating each time) with Mr. Myers of the
72 DCCC and meetings were held to interview potential consultants (campaign
73 manager, fundraiser, etc.) but none were hired as yet. The goal was to
74 ensure that I would be uncontested in the June Primary and get right to work
75 raising money once that was clearly the case.

76 Two weeks later, after having previously met with the Ocean County
77 "screening committee", and with Michael Cook already agreeing to "step
78 back" and instead run for Ocean County Freeholder (after being badly

79 beaten in Burlington County, only receiving 4 votes), and with me therefore
80 *de facto* uncontested for the slot on the County line at the Primarily Election
81 and therefore the Democratic Party nomination, on Friday afternoon before
82 the Saturday "Ocean County Mini-Convention", suddenly a James Keady
83 appeared as a candidate and was seeking the endorsement of the Ocean
84 County Democrats for the Line despite being several weeks past their own
85 deadline for such consideration. Keady, a local "gadfly", had run several
86 times as an independent and as a Democrat for New Jersey State Office in
87 the past, and only a few days earlier had announced with fanfare on social
88 media that he was disavowing the Democratic Party and that he was running
89 as an "Independent" for New Jersey Governor. Now, suddenly he wanted to
90 run for Congress as a Democrat.

91 When I appeared with supporters Scott Neuman (who had agreed to
92 withdraw to allow Mr. Cook to run for Ocean County Freeholder
93 uncontested) and Tracy Caprioni (the only 2 announced candidates for the 2
94 Ocean County Freeholder seats, though there was the "deal" regarding Mr.
95 Cook) at the Ocean County Mini-Convention, Keady was there. After a
96 "hatchet job" vote, Keady, whose candidacy was barred by the By-Laws,
97 nevertheless was awarded the Ocean County line over me. At which time
98 my supporters Scott Neuman and Tracy Caprioni immediately walked out
99 with me leaving the Ocean County Democratic Chairman one Freehold
100 Candidate short. The Ocean County Democratic chairman literally begged
101 Mr. Caprioni to run with his team. Both Neuman and Caprioni instead opted
102 to run "off line" with me.

103 Immediately thereafter my campaign (specifically my brother) was
104 contacted by Mr. Myers from the DCCC who apologized about the "*last*
105 *minute Keady thing*" but said that the DCCC had specifically and in no
106 uncertain terms literally "... *been directly and specifically ordered to pull*
107 *and withdraw all support for LaVergne ...*" by George Norcross, a member
108 of the DNC and NJDSC and a South Jersey Political Party Boss. As to
109 background on Mr. Norcross, *see e.g.* "Never Heard of George Norcross?
110 Here's Why You Need To", by Sean Sullivan (February 4, 2014) in
111 www.washingtonpost.com; "George Norcross: The Man Who Destroyed
112 Democracy", by Steve Volk (March 2, 2013) in www.phillymag.com;
113 "Norcross Still Finds a Way to Exert Influence in NJ's Changing Political
114 Landscape", by Matt Friedman (May 30, 2017) in www.politico.com

115 Norcross' brother Donald was and is a Member of the US House from
116 New Jersey District 1 which abuts District 3. George Norcross and his
117 brother Donald raise @\$10 Million for the DCCC, so they have (or think

118 they have) the power to make such unilateral demands. Point in fact,
119 George Norcross had cut a political back room deal with the Ocean County
120 Republicans to "give up District 3" to the Republicans. Moreover, I have
121 been - and continue to be - a political critic of George Norcross and his
122 political tactics. This was simply raw New Jersey bare knuckle politics,
123 nothing more.

124 Thereafter, George Norcross next ordered the Burlington County
125 Democrats to "re-vote" on the County Line and to give the line to Keady
126 instead of me. After this "call" and before the Burlington County
127 Committee met, Mr. Myers again contacted my brother to "*see what we*
128 *were going to do in light of Norcross.*" I am paraphrasing the language
129 exchanged to be polite, but suffice it to say that my brother stated to Mr.
130 Myers that my campaign was going forward with or without the support of
131 the DCCC, DNC and NJDSC, and that I would win the Primary, and that I
132 would be the candidate.

133 After many literal outright threats, the Burlington County Committee
134 reluctantly met again on the issue as to whether to re-vote. However, after
135 hot debate, the Burlington County Committee voted to openly defy Norcross
136 and refused to consider Keady and refused to withdraw their support and
137 endorsement of me.

138 Contemporaneous to this, arrangements were made for an "Ocean
139 County Freeholder Campaign Office" for Scott Neuman and Tracy Caprioni
140 at 1044 Lacey Road - Suite B, Lacey Township, New Jersey 08732. I was
141 to use part of the office (with a separate entrance) occasionally and had
142 agreed to sublet a room (with separate entrance) after the Primary Election
143 for the General Election. *This office was listed on social media as one of*
144 *my campaign office to indicate an immediate physical presence in Ocean*
145 *County before the Primary.* I indeed used the office (a few hours each time)
146 over maybe 4 days making phone calls.

147 At the June 2016 Primary Election, however, I won the nomination
148 for Congress and Scott Neuman and Tracy Caprioni lost their elections for
149 Freeholder. As Neuman and Caprioni each lost the Freeholder Primary
150 election, the "Lacey Office" was abandoned. I never paid a penny for this
151 Office and only used it a few times as indicated.

152 After I won the Primary Election I found an office in Willingboro on
153 Pennypacker which I planned on using. *This office was briefly listed on*
154 *social media as one of my campaign offices though I never used it and*
155 *only Hillary for President used it once.* More specifically, the Hillary for
156 President Campaign wanted to use the Willingboro Office for a "Presidential

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157 Debate Watching Party". However, the office was not fixed yet and had no
158 bathrooms or CO. However, the Hillary for President Campaign still held
159 the "Debate Watch Party" anyway, listing me as the "host". The attendees
160 used the bathroom in Gitano's Pizzeria next door. That was one use, and by
161 Hillary for President, not me. It was thereafter determined that the
162 bathrooms could not be fixed and no CO could issue, so that office was
163 never used either and was never moved into.

164 My actual and only real campaign office was the last one in
165 Willingboro and was used for less than 30 days. Indeed, I was in the
166 Hospital for the last 10 days of the campaign, was therefore personally never
167 there, and indeed had to cast my vote by Court Order since I was still in the
168 hospital. This office was listed on social media as my actual campaign
169 office.

170 Once the DCCC and DNC pulled out of my race, there was no clear
171 path to winning. As such, by design my campaign did not raise and spend
172 more than \$5000 specifically because I did not want to deal with the filing
173 requirements. The initial filings were prepared and filed by campaign
174 professionals at a time that DCCC and DNC involvement was contemplated
175 and after these persons had participated in conference calls with the DCCC.
176 Once the DCCC and DNC withdrew, I continued because at that point my
177 campaign was really only about my supporters and I ensuring that Norcross
178 did not get his way. My campaign purchased no lawn signs, no radio or tv
179 or cable tv media, and was essentially nothing more thereafter than social
180 media and personal face to face campaigning.

181 In short, my campaign did not exceed the \$5000 threshold. I have
182 now filed a "Campaign Notice" with the Clerk of the US House attached at
183 "Exhibit A". Contrary to the preliminary conclusions reached in the "First
184 General Counsel's Report" dated June 6, 2017, the statutes and regulations
185 cited simply do not apply to me.

186 In closing, I note that - irrespective of who actually filed the FEC
187 Complaint by name - that the reality is that this Complaint was brought
188 solely to harass me by bitter and petty Norcross and Keady factions.

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“Exhibit A”

FREDERICK JOHN LAVERGNE

312 WALNUT STREET
DELANCO, NEW JERSEY 08075
TELEPHONE: | |

September 11, 2017

The Honorable Karen L. Haas, Clerk
Office of the Clerk, United States House of Representatives
Legislative Resource Center
135 Cannon House Office Building
Washington, D.C. 20515-6601

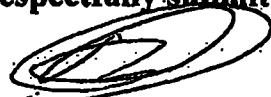
RE: Frederick John LaVergne for Congress 2016
(New Jersey Congressional District 3)

Dear Ms. Haas:

In 2016 I was one of the five Democrats (along with Michael B. Cook, Joanne Schwartz, John Vrana and James Keady) seeking the Democratic Party's nomination at the June 2016 New Jersey Political Party Primary Election for the right to run as the Democratic Party's candidate for Congress in the Third Congressional District at the November 2016 General Election. I won the Political Party Primary Election and was the Party's Candidate on the November 2016 General Election Ballot. My Republican opponent won the General Election. My Campaign raised and spent less than \$5,000. I recently discovered that through inadvertence a "Campaign Notice" form formally advising your office that the \$5,000 threshold was not passed, and I hereby enclose such form and I would ask you to file same *nunc pro tunc*.

Thank you very much.

Respectfully submitted,



FREDERICK JOHN LAVERGNE

FJL:ms
enclosure

cc: Federal Election Commission (Reference: MUR 7104)

CAMPAIGN NOTICE
REGARDING FINANCIAL DISCLOSURE REQUIREMENT

If you have not yet raised (either through contributions or loans from yourself or others) or spent in excess of \$5,000 for your campaign, or if you have withdrawn your candidacy, please indicate your status and sign and date below.

The Honorable Karen L. Haas, Clerk
Office of the Clerk, U.S. House of Representatives
Legislative Resource Center
135 Cannon House Office Building
Washington, DC 20515-6601

Indicate Your Status:
(Select One)

Dear Madam Clerk:

☒ Over \$5,000
Threshold Not
Exceeded

This is to notify you that I have not yet raised (either through contributions or loans from myself or others) or spent in excess of \$5,000 for my campaign for the U.S. House of Representatives.

I understand that when I do raise or spend in excess of \$5,000 for my campaign, I must file a Financial Disclosure Statement with the Clerk of the House of Representatives according to the deadlines set out on pages 2 and 3 of the Financial Disclosure Instruction booklet, a copy of which has been provided to me by the Clerk.

☐ Withdrawal
of Candidacy

This is to notify you that under the laws of the state of _____
I withdrew my candidacy for the U.S. House of Representatives on _____.

[Note: If your Financial Disclosure Statement was due before the date on which you withdrew from the race, you still must file a Financial Disclosure Statement with the House.]

Name (Please Print or Type): Frederick John LaVerque
State: New Jersey District: Third Congressional District
Date: September 11, 2017 (2016)

(THIS PAGE WILL BE MADE PUBLICLY AVAILABLE)

RETURN COMPLETED STATEMENT TO:
The Clerk, U.S. House of Representatives
Legislative Resource Center
135 Cannon House Office Building
Washington, DC 20515-6601

**CAMPAIGN NOTICE
REGARDING FINANCIAL DISCLOSURE REQUIREMENT**

If you have not yet raised (either through contributions or loans from yourself or others) or spent in excess of \$5,000 for your campaign, or if you have withdrawn your candidacy, please indicate your status and sign and date below.

**THIS DOCUMENT MUST BE SIGNED BY THE REPORTING INDIVIDUAL AND DATED.
PLEASE COMPLETE BOTH PAGES AND RETURN TO THE OFFICE OF THE CLERK AT THE
MAILING ADDRESS BELOW.**

Signature: 

Date: September 11, 2017

Name (Please Print or Type):

Frederick John LaVigne

State:

New Jersey

District:

Third Congressional District

Daytime Telephone: _

(THIS PAGE WILL NOT BE MADE PUBLICLY AVAILABLE)

RETURN COMPLETED STATEMENT TO:
The Clerk, U.S. House of Representatives
Legislative Resource Center
135 Cannon House Office Building
Washington, DC 20515-6601